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Attorney for Defendant Guerrero

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

United States of America,)	
)	
Plaintiff,)	Case No.: CR 11-80 JO
v.)	
)	
Rico Fernando Guerrero,)	
)	
<u>Defendant.</u>)	

DECLARATION OF COUNSEL

I, Michael R. Smith, declare:

1. I am CJA appointed counsel for Defendant Guerrero.
2. I was appointed to Mr. Guerrero's case on March 28, 2011.
3. I am asking for a 30 day continuance of the date of sentencing.
4. Counsel for the plaintiff, AUSA Greg Nyhus stated via email that he **does not oppose** continuing the date of sentencing.
5. This request for a continuance is made in the interests of justice in order to allow counsel to prepare for sentencing.
6. An expert retained in this case specifically for sentencing purposes has requested a continuance to complete her work. Due to a family emergency and other factors the retained work cannot be completed by the current date of sentencing.
7. In addition, I am scheduled for an evidentiary hearing in Anchorage, Alaska on

November 7, 2011. Witnesses are under subpoena for this hearing. I anticipate that the hearing will be completed in a day, however there is a chance that the hearing would be continued to November 8, 2011.

8. Regardless of the completion of the hearing, I would like to avoid taking the 1:00 a.m. flight from Anchorage to Portland just prior to Mr. Guerrero's sentencing.

9. I declare under penalty of perjury under the laws of the United States of America and the State of Oregon that the foregoing is true and correct; that the statements heretofore set forth are based on my own knowledge, except where otherwise indicated, and as to those statements I believe them to be true.

Respectfully submitted by Counsel, October 14, 2011.

/s/ Michael R. Smith

Michael R. Smith
Attorney for Defendant Guerrero